

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CASTILLO GRAND LLC,

Plaintiff,

- against -

SHERATON OPERATING CORPORATION,

Defendant.

: 09 CV 7197 (RPP)

**: NOTICE OF DEFENDANT
: SHERATON OPERATING
: CORPORATION'S
: MOTION FOR JUST
: COSTS PURSUANT TO
: 28 U.S.C. § 1919
:
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PLEASE TAKE NOTICE that upon the Declaration of James S. Renard dated June 1, 2010 (including all exhibits thereto), Defendant Sheraton Operating Corporation's Memorandum of Law in Support of its Motion for Just Costs Pursuant to 28 U.S.C. § 1919, and all prior pleadings and papers had herein, the undersigned counsel for Sheraton Operating Corporation will move this Court pursuant to 28 U.S.C. § 1919, on a date and time designated by the Court, before the Honorable Robert P. Patterson, Jr. at the United States Courthouse for the Southern District of New York, 500 Pearl Street, Room 2550, New York, New York, for an order: (i) awarding Sheraton Operating Corporation its just costs; and (ii) granting such other relief as the Court deems just and proper.

Sheraton Operating Corporation's motion for just costs is warranted because Plaintiff Castillo Grand LLC improperly invoked the Court's jurisdiction. In the Complaint, filed August 14, 2009, Castillo Grand LLC alleged that "[t]his Court has subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. §1332, because the parties in interest are of diverse citizenship, and because the amount in

controversy is more than \$75,000.” Compl. ¶ 37. On September 8, 2009, Sheraton Operating Corporation filed a motion to dismiss the above-captioned action for lack of subject matter jurisdiction and, on December 9, 2009, the Court issued an Opinion and Order granting Sheraton Operating Corporation’s motion. Accordingly, Sheraton Operating Corporation is entitled to recover its just costs pursuant to 28 U.S.C. § 1919.

Dated: New York, New York
June 1, 2010

Respectfully submitted,

BICKEL & BREWER

By: /s/ William A. Brewer III
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